

## **3 FAM 4460 ADMINISTRATIVE AND JUDICIAL REVIEW OF A GRIEVANCE**

*(CT:PER-651; 09-02-2011)  
(Office of Origin: HR/G)*

### **3 FAM 4461 RECONSIDERATION OF A GRIEVANCE**

*(CT:PER-651; 09-02-2011)  
(Uniform State/USAID/Commerce/Foreign Service Corps - USDA)  
(Applies to Foreign Service Employees Only)*

The Board may reconsider any decision upon the presentation of newly discovered or previously unavailable material evidence.

### **3 FAM 4462 JUDICIAL REVIEW**

*(CT:PER-651; 09-02-2011)  
(Uniform State/USAID/Commerce/Foreign Service Corps - USDA)  
(Applies to Foreign Service Employees Only)*

- a. Any aggrieved party may obtain judicial review of a final action of the agency or the Board on any grievance in the district courts of the United States under the standards set forth in Chapter 7 of title 5, United States Code if the request for judicial review is filed not later than 180 days after the final action of the head of the agency or the Board (or in the case of an aggrieved party who is posted abroad at the time of the final action of the head of the agency or the Board, if the request for judicial review is filed not later than 180 days after the aggrieved party's return to the United States. Section 706 of title 5 shall apply without limitation or exception.) This paragraph shall not apply to any grievances with respect to which paragraph 3 FAM 4462 b applies.
- b. For purpose of this section, the term "Aggrieved Party" means a grievant. With respect to a grievance based on an alleged violation of a law, rule, regulation, or policy directive referred to in section 3 FAM 4412 c(9), judicial review of whether the act, omission, or condition that is the basis of the grievance violates such law, rule, regulation, or policy directive

may be obtained by an aggrieved party only if such party commences a civil action, not later than 90 days after such party receives notice of the final action of the head of the agency or Board, in an appropriate district court of the United States for de nova review.

## **3 FAM 4463 THROUGH 4469 UNASSIGNED**